

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 10, 2019**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on December 10, 2019, at 6:00 p.m. in the Town Hall meeting room.

STUDENT OF THE MONTH

The following students from Ross Montessori School and Carbondale Community School were awarded a Certificate of Achievement from Mayor Richardson:

Oliver Requeno Argueta	Emily Tews
Jax Moss	Maisy Brock

ROLL CALL:

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Erica Sparhawk
	Lani Kitching
	Ben Bohmfalk
	Luis Yllanes
	Heather Henry
	Marty Silverstein

Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renae Gustine
Town Attorney	Mark Hamilton
Planning Director	Janet Buck
Public Works Director	Kevin Schorzman
Building Official	John Plano

CONSENT AGENDA

- Accounts Payable totaling \$317,672.22
- BOT 11/26/19 Regular Meeting Minutes

- Third Street Center Loan
- Resolution No. 14, Series of 2019 – Amending Appendix A of the Municipal Code
- Nomination for Garfield County Noxious Weed Advisory Board

Mayor Richardson noted that there is an error in the November 26, 2109 Minute;. Mayor Richardson called the meeting to order, not Mayor Pro Tem Silverstein.

Trustee Sparhawk made a motion to approve the Consent Agenda with a correction to the Board of Trustees November 26, 2019 minutes as noted above. Trustee Yllanes seconded the motion and it passed with:

7 yes votes: Richardson, Bohmfalk, Sparhawk, Kitching, Yllanes, Henry, Silverstein

PERSONS PRESENT NOT ON THE AGENDA

Michael Adams, Euclid Ave, stated that he has taken care of his trash for the past 32 years. He doesn't need or use the Town's trash service but he is being charged a trash hauling fee regardless. He requested a waiver. Mayor Richardson stated that this is the only concern the Trustees have had since we switched to a single trash hauler. Mayor Richardson asked staff to look at the number of similar complaints that the Town has received and the Board will possibly re-evaluate this regulation in January.

Summer Scott, Main Street, stated that the Board is not doing enough about climate change. The Board needs to take the lead and the citizens look to the Board for inspiration. Mayor Richardson stated that he would be happy to discuss this claim with Summer.

TRUSTEE COMMENTS

Trustee Sparhawk stated that she attended the Colorado Communities for Climate Action (CC4CA) Board meeting last Friday. Three partners have asked CC4CA to sign on to an Amicus lawsuit against Exxon Mobile. The lawsuit claims that Exxon should be accountable for local impacts on climate change. Trustee Sparhawk also stated that there is going to be a Methane Ruling tonight in Rifle. CC4CA is in support.

Trustee Kitching stated that she attended the Ruedi Water and Power Authority meeting. They discussed bi-partisan legislation to stop the spread of aquatic invasive species.

Trustee Bohmfalk stated that he attended the Bike/Pedestrian/Trails Commission meeting and they discussed the Request for Proposal for 8th Street multi-modal improvements. Trustee Bohmfalk introduced Student Trustee Diego Valdez. The Student Trustees will be formally welcomed to the Board on January 13, 2020.

Trustee Silverstein told the Board that he attended the Senior Matters meeting. They are addressing (senior) social isolation and security issues.

Trustee Yllanes said today is Colorado Gives day which is an opportunity to increase the value of your donation to non-profits.

Mayor Richardson announced that the Town recently purchased the parking lot across the street from Town Hall. He thanked Jay and Mark for bringing the purchase to fruition. Mayor Richardson stated that he appreciated receiving an invitation to participate in the Healthy Rivers meeting and he thanked Sarah Johnson for all of her work on the project. Mayor Richardson congratulated all of the teams who participated in the Brenda Patch Tournament.

ATTORNEY'S COMMENTS

Mark welcomed Diego Valdez and noted that he is a very talented musician.

PUBLIC HEARING – ADOPTION OF THE 2020 BUDGET

Renae stated that the budget process consists of numerous meetings. There will be an amendment to the budget that includes the acquisition of the parking lot and the solar purchase.

Trustee Bohmfalk stated that \$25,000 is a lot to spend on plastics and he wants something incredible to come out of the process. Jay explained that the consultant LBA has four specific tasks.

Mayor Richardson opened the public hearing. There was no one present who wished to address the Board so he closed the public hearing.

Trustee Sparhawk made a motion to adopt the 2020 Budget including: 2019 projected fund balances, community requests, Resolution No. 15, Series of 2019 – Summarizing Expenditures and Revenues and Adopting a 2020 Budget, Ordinance No. 16, Series of 2019 – Appropriating Sums of Money to the Various Funds and Spending Agencies, Resolution No. 16, Series of 2019 – Levying General Property Taxes for 2019, and Ordinance No. 17, Series of 2019 – Appropriating Additional Sums of Money to Defray Expenses in Excess of Amount Budgeted. Trustee Silverstein seconded the motion and it passed with:

7 yes votes: Yllanes, Richardson, Silverstein, Sparhawk, Henry, Bohmfalk, Kitching

**PUBLIC HEARING – SOPRIS LOFTS – MAJOR SITE PLAN REVIEW,
CONDITIONAL USE, AND AMENDMENT TO ORDINANCE NO. 18, SERIES OF 2016**

Applicant: 1201 Colorado Avenue Holding, LLC

Location: 1201 Colorado Avenue

Janet explained that this is an application for a Major Site Plan Review and Conditional Use Permit.

The Planning Commission reviewed this application at its October 10th and November 14th meetings and recommended approval.

The property is located at the northeast corner of Highway 133 and Main Street.

A mixed use building is proposed on the property. The portion of the building along Highway 133 and Main Street includes 3,881 sq. ft. of general commercial. The balance of the building is comprised of 18 efficiency apartments and 9 two-bedroom units for a total of 27 units. They will all be rental units.

A public plaza at the corner of Highway 133 and Main Street is proposed. In addition, there would be a public trail along the east side of the property from Main Street to Colorado Avenue. There would also be a 5 ft. wide sidewalk along Colorado Avenue. The RFTA bus stop would remain in its present location.

The proposal meets the zoning parameters in the UDC such as setbacks, lot area per dwelling unit, etc. with two exceptions. It also complies with the development standards such as private common open space and bulk storage.

The Tree Board reviewed the application and was generally in favor of it. They included a list of recommendations which the applicants incorporated into their plans.

The UDC allows for a 15% reduction of required parking for developments in the MU zone district and a 20% reduction for residential development if the property is located within 300 ft. of a transit stop. This development meets both criteria. In addition, the UDC allows a 20% reduction for commercial uses if the development incorporates a transit stop, which this one does.

With the reductions, the required parking is 39 spaces.

The proposal is for 47 parking spaces on-site and on Colorado Avenue as follows:

Total on-site	30 spaces
Colorado Avenue	17 spaces

Parking along Colorado was discussed during the review of an earlier application as well as with this applicant. It was agreed that having the trail in front of the parking rather than behind it seemed like a safer alternative. The parking was then shifted to

the north with the trail between the development and the parking spaces. Counting 9 of the 17 spaces on Colorado Avenue toward required parking would require Alternative Compliance approval.

The applicants are also requesting alternative compliance for the 10 ft. landscape buffer along Highway 133. This is to place the plaza in this setback area. Another complication is the UDC only allows a 10 ft. setback so that the building cannot be set back further to accommodate the plaza area. This is a conflict in the code which should be addressed in future amendments. Staff is recommending approval of the alternative compliances.

Housing - the UDC requires that 20 percent of the rental units be deed restricted as affordable dwelling units. In this case, five units would be required. The proposal is to deed restrict five efficiency apartments.

The application includes a request to amend the ordinance approved by the Board in 2016 when the property was rezoned to Mixed-Use. The ordinance states that the rezoning would revert to PCC if development is started within one year. The applicant would like to eliminate that section of the ordinance, so it stays Mixed-Use. Staff agrees with the proposal.

There are some public improvements associated with the property. If the Board approves the application, staff would have to bring back an ordinance of approval Development Improvements Agreement for the Board's consideration in January.

During the review process, the applicants have been responsive initially to staff's comments and then the Planning Commission's suggestions and have made changes to the application. With approval of the two requests for alternative compliance, the application is in conformance with the UDC.

Staff recommends approval of the Major Site Plan Review, the Conditional Use Permit, Alternative Compliance, and the amendment to Ordinance No. 18, Series of 2016 with the recommended conditions and findings in the Staff report.

The architects provided site renderings of the project.

Discussion ensued.

Trustee Bohmfalk stated that he wants to make sure that the five foot sidewalk, with a six inch curb, is identified in the site plan and that it is walkable and lit.

Mayor Richardson asked what kind of commercial do they envision in the spaces. They replied something appropriate to the plaza area (restaurant, yoga studio, coffee shop). Mayor Richardson asked how many owners will the building have. There will be one owner for the entire building. Mayor Richardson asked about the accessibility for

seniors and will it be ADA compliant? Yes, the plaza areas, commercial spaces and the efficiencies will all be accessible to seniors and those who are physically challenged.

Trustee Sparhawk asked if the building will have solar panels. The owner responded that CORE is helping them with the building's energy efficiency.

Trustee Henry stated that she appreciates the architecture but feels that there are inconsistencies with the street and grading. A Sopris Engineer explained that they made grading changes for ADA purposes.

Mayor Richardson opened the public hearing.

Jake Boyles, Main Street, stated he is a huge advocate of the project. His only concern is inadequate parking.

Eric Vitch, Wheel Circle, stated he is in favor of the project. He likes the retail in the front, the residences on top, the deed restriction and the consideration that was given for senior and ADA access.

Amy Kimberly, Colorado Ave., stated she is in support of the project; it is the kind of growth that the Town wants to see. They did a lot of public outreach. She noted that parking is always an issue.

Mayor Richardson closed the public hearing.

The Board discussed Jake's concern of inadequate parking. Trustee Bohmfalk agreed that parking is always a concern. The UDC is written to encourage this type of development. Trustee Silverstein stated that the property has been used as a parking lot for a long time so he understands Jake's concern. The project will put a strain on Colorado because the cars that park there now will be displaced. The project is ideal for people with one car or no car. He continued this is a great development for this location. Jay added that Red Hill will be adding more commuter parking spaces. Mayor Richardson stated that he wants to see more housing and less parking.

Trustee Sparhawk made a motion to approve the Major Site Plan Review, the Conditional Use Permit, Alternative Compliance from Section 5.4 Landscaping and Screening and Section 5.8 Off-Street Parking, and the amendment to Ordinance No. 18, Series of 2016 with the recommended conditions and findings listed below:

Conditions:

1. Approval of the Major Site Plan Review is contingent upon Town approval of a Development Improvements Agreement which addresses construction of public improvements associated with the development prior to issuance of a building permit.

2. Approval of the Major Site Plan Review is contingent upon Town approval of the engineering plans.
3. A transit stop easement shall be dedicated to the Town of Carbondale at the time of the review of the Development Improvements Agreement by the Board of Trustees. The location and size of the easement shall be subject to review and approval of Town Staff and shall include adequate room for bicycle parking.
4. All required public utility and pedestrian/bicycle easements, including public access to the plaza, shall be dedicated to the Town of Carbondale at the time of the review of the Development Improvements Agreement by the Board of Trustees. The location and size of the easements shall be subject to review and approval of Town Staff.
5. The applicant shall be responsible for the maintenance of the 5 ft. wide sidewalk along Colorado on the north side of the property.
6. The applicant shall be responsible for the maintenance of the landscape islands in the Colorado Avenue right-of-way including irrigation and maintenance of the irrigation system. This includes replacement of plant material if needed.
7. The seating wall will be constructed of concrete/masonry.
8. Two windows shall be added on the north façade of the building, toward the east side of the structure nearest Highway 133 to break up the appearance of the façade.
9. The rooftop equipment shall be screened in accordance of Section 5.4 of the UDC (Landscaping and Screening).
10. All lighting shall be in compliance with Section 5.10 of the UDC (Exterior Lighting). The lighting plan shall be subject to review and approval of Town Staff.
11. Per Section 5.11 of the UDC, 20% of the total residential units or five units, will be required to meet the Town's Community Housing Guidelines. At all times, at least 20% of the completed residential units shall be made available and utilized as affordable housing pursuant to the Carbondale Affordable Housing Guidelines.
12. If the residential development is subdivided or condominiumized, the applicant shall comply with the Community Housing Inclusionary Requirements in Section 5.11 of the UDC.

13. A shower and changing facility shall be constructed within the commercial space.
14. Fees in lieu of water rights will be required in the amount of \$30,035 shall be due prior to issuance of a building permit.
15. A "Knox" box shall be installed prior to issuance of a Certificate of Occupancy. The installation of the "Knox" box shall be subject to review and approval of the Fire District.
16. The applicant shall enter into an agreement with the Carbondale & Rural Fire Protection District that addresses payment of impact fees prior to the issuance of any building permits for this project.
17. All representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
18. The Applicant shall pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

Findings – Conditional Use Permit

1. The site, building, and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this Code and for the zone district in which the use is located;
2. The proposed use is consistent with the Comprehensive Plan which envisions a flexible mix of uses including residential uses;
3. The site is not nonconforming;
4. The proposed use is planned in a manner that minimizes adverse impacts on the traffic in the neighborhood and surrounding uses; and
5. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (including hours of operation, noise, odor, dust, and other external impacts).

Findings - Site Plan Review Criteria:

1. The site plan is consistent with the Comprehensive Plan as the area is designated New Urban which envisions a flexible mix of retail, restaurants, service commercial and multi-story mixed-use buildings with buildings being the focal point of the site by locating them close to the street. The purposes stated in the Unified Development Code have been met;

2. The site plan is consistent with the purposes section of the MU zone district as this development will provide a compact, mixed-use development that provides people with the opportunity to live, work, recreate, and shop in a pedestrian-friendly environment. There would be multimodal access to and from Downtown. The development includes both a vertical and horizontal mix of land uses, and provides an interesting and walkable environment through tailored building design and streetscape standards that address features such as building mass and placement, building entries, and windows/transparency; and
3. The site plan complies with all applicable development and design standards set forth in this Code if the three proposals for Alternative Compliance are approved; and
4. The traffic generated by the proposed development is adequately served by existing streets within Carbondale.

Findings - Alternative Compliance – 5.4 Landscaping and Screening

The proposed alternative for the landscape buffer area along Highway 133 meets the criteria as follows:

1. The proposed alternative achieves the intent of the subject standard to a better degree than the subject standard as the proposal improves the aesthetic character, contributes to the quality of development, and provides for pedestrian activity in front of the building;
2. The proposed alternative advances the goals and policies of the Comprehensive Plan and this Code to a better degree than the subject standard as Section 4.11 in the Comprehensive Plan New Urban states that site design should provide obvious and safe connections to the buildings for pedestrians and cyclists as well as suggests that the inside of the building be connected with elements such as outdoor activity areas;
3. The proposed alternative results in benefits to the community that exceed benefits associated with the subject standard; and
4. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

Findings - Alternative Compliance – 5.8 Off Street Parking

The proposed alternative to allow required off-street parking spaces in the Colorado Avenue right-of-way meet the criteria as follows:

1. The proposed alternative achieves the intent of the subject standard to a better degree than the subject standard as it encourages multi-modal transportation options and enhanced pedestrian safety;
2. The proposed alternative advances the goals and policies of the Comprehensive Plan and this Code to a better degree than the subject standard as it meets the goal in Section 4.11 New Urban to balance a pedestrian/bike friendly feel with convenient automobile access;
3. The proposed alternative results in benefits to the community that exceed benefits associated with the subject standard; and
4. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

Trustee Yllanes seconded the motion and it passed with:

7 yes votes: Henry, Silverstein, Yllanes, Sparhawk, Bohmfalk, Kitching, Richardson

LETTER TO CDOT RE: SAFETY CONCERNS ON HIGHWAY 133

Kevin stated that Darryl Fuller wrote a letter to CDOT on behalf of a group of concerned citizens regarding the safety of the intersection of Highway 133 and Village Road. The concern was specific to the timing of the pedestrian crossing and audible signal, sidewalk/collection area, and the Highway 82/Red Hill crossing. CDOT addressed the Highway 133 and Village Road concerns but they did not respond to the other concerns. The Board has been asked to send a letter to CDOT about the concerns that were not addressed.

Trustee Yllanes made a motion to approve sending the letter provided in the packet to CDOT. Trustee Kitching seconded the motion and it passed with:

7 yes votes: Kitching, Bohmfalk, Henry, Silverstein, Sparhawk, Yllanes, Richardson

REDUCTION LETTER OF CREDIT – CARBONDALE MARKETPLACE

Kevin explained that the Carbondale Marketplace public improvements were secured by two separate letters of credit (LOC) (on-site and off-site). Sopris Engineering is asking for a fourth reduction to the LOC. They are asking to reduce the off-site LOC by \$167,075.20 and the on-site LOC by \$388,014.48. Staff agrees with the quantity of work completed and believes that the completion of all incomplete public improvements will remain adequately secured by the remaining security.

Trustee Sparhawk made a motion to approve the partial release of \$167,075.20 of the letter of credit for the off-site improvements and \$388,014.48 of the letter of credit for

the on-site improvements related to the Carbondale Marketplace project. Trustee Silverstein seconded the motion and it passed with:

7 yes votes: Yllanes, Richardson, Silverstein, Sparhawk, Henry, Bohmfalk, Kitching

REVIEW OF PROPOSED CHANGES TO THE RESIDENTIAL EFFICIENT BUILD PROGRAM (REBP)

Phi Filerman (CORE) and Jeff Dickinson (BioSpace) were present for the discussion.

Phi explained the requirements to receive a CORE rebate.

Phi and Jeff explained that at the October 8th discussion on the proposed amendments to the REBP the Board requested additional information on the following four topics:

1. The Trustees requested a specific recommendation for the implementation date for the ordinance; and how projects that have already gone through planning approval would be handled. It was recommended that the implementation date for all projects will be June, 2020.
2. The Board was concerned that Tier 1 projects could not achieve a HERS 45 without installing solar PV, regardless of it not being required for Tier 1. An analysis was performed and the HERS requirement was changed to 50.
3. The Trustees asked CORE to consider changing their rebate policy to provide rebates for PB systems that would become mandatory under this ordinance. CORE needs to be equitable across their member communities and cannot make an exception to their policy of not providing rebates for required measures.
4. The Trustees asked how PV requirements would be calculated for multi-family projects and whether the proposed changes would increase costs and impact the feasibility of building more affordable housing in Carbondale. The current proposal for multi-family projects is 1 watt of PV per sq ft, which is the lowest PV requirement of any Tier, thus minimizing the financial impacts while still contributing to the Town's carbon reduction goals.

Mayor Richardson opened the meeting to public comment.

Patrick Hunter, Satank, stated that no building should be built unless it is energy efficient.

Richard Stumpf, Carbondale, stated that the CORE report says purchasing off-site renewable puts you on the path to net zero. He is concerned about the solar requirements because the utilities are moving toward 100% renewables. Also, the rebates are starting to dry up. He said the Town has so many Codes that it is pulling

from which makes the process very complicated. He suggested that the Town create a handbook on how to build efficiently.

Frosty Merriott, Lakeside Drive, stated that there is a sense of urgency as to how we are going to meet our energy goals and we don't have a plan how to get there. He believes the Town should finance the added cost of solar.

The Board directed staff to draft an ordinance amending the Residential Efficient Build Program requirements for consideration at the January 28, 2020 meeting.

ORDINANCE NO. 18, SERIES OF 2019 – AMENDING PRECINCT BOUNDARIES

Jay explained that the Home Rule Charter allows the election precincts to be amended by ordinance. Staff is asking the Board to consider changing the election boundaries so that the entire town is one precinct. It is staff's opinion that since the Town has moved to mail ballot elections precincts have become obsolete.

Trustee Bohmfalk made the following motion: Pursuant to Section 6-6 of the Carbondale Home Rule Charter, the boundaries of Election Precinct 1 within the Town of Carbondale shall be and are hereby changed to include all properties presently within the municipal limits of the Town of Carbondale. Until further notice, all registered electors within the Town of Carbondale shall vote as part of Precinct 1. Precincts 2 and 3 shall be and are hereby reserved for future use as the Board of Trustees may ordain by a future ordinance. Trustee Silverstein seconded the motion and it passed with:

7 yes votes: Henry, Silverstein, Yllanes, Sparhawk, Bohmfalk, Kitching, Richardson

ORDINANCE NO. 19, SERIES OF 2019 – AMENDING CHAPTER 2 OF THE MUNICIPAL CODE REGARDING ELECTIONS

Staff explained that this is a housekeeping item. Currently, the election dates listed in Chapter 2 are for polling place elections. Ordinance No. 20, Series of 2019, amends the dates to coincide with a mail ballot election.

Trustee Bohmfalk made a motion to approve Ordinance No. 19, Series of 2019 amending Chapter 2 of the Municipal Code regarding elections. Trustee Sparhawk seconded the motion and it passed with:

7 yes votes: Sparhawk, Bohmfalk, Kitching, Richardson, Henry, Silverstein, Yllanes

ADJOURNMENT

The December 10, 2019, regular meeting adjourned at 9:10 p.m. The next scheduled meeting will be held on December 24, 2019, at 9:00 a.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk

